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EXAMINER
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ALVO, MARC S

ART UNIT	PAPER NUMBER
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1731

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Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 08062004

Application Number: 10/050,167  
Filing Date: January 18, 2002  
Appellant(s): LILBURN

Neil F. Greenblum  
For Appellant

**MAILED**

AUG 11 2004

EXAMINER'S ANSWER

**GROUP 1700**

This is in response to the appeal brief filed May 3, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of claims.*

The statement of the status of claims contained in the brief is correct. The amendment canceling claims 34-49 has been entered.

(4) *Status of Amendments After Final.*

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The appellant's statement of the status of amendments after final rejection contained in the brief is correct. The amendment canceling claims 34-49 has been entered.

(5) *Summary of invention.*

The summary of invention contained in the brief is correct.

(6) *Issues.*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of claims.*

The rejection of claims 1, 4 and 5 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims appealed.*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of record.*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

**REFERENCES**

U.S Patents

5,093,795	LEWIS	03-1992
3,185,617	JUSTUS	05-1965
3,185,617	ELY	08-1966
3,655,980	BOSEN	04-1972

Foreign Patents

00/09462

WO

12-2000

(10) *New prior art.*

No new prior art has been applied in this examiner's answer.

(11) *Grounds of rejection.*

The following grounds of rejection are applicable to the appealed claims.

Claims 1-6, 18 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/08462.

WO 00/08462 teaches (see abstract) measuring the water flowing into the wet end section (17); measuring water flowing out of the wet end section (19); detecting conductivity of the wet web entering the wet end section (page 7, line 12); determining conductivity of water flowing into the wet end section through water sprayers (18); determining the conductivity of the water flowing out of the wet end section in press pans (19), and determining a material balance from the measured quantities (last line of the abstract). Obviously the press of WO 00/08462 is in the wet end of the paper machine as it is stated that the "wet fibre web is pressed between cylindrical rolls. Since the fiber web is still wet the press section is obviously still in the wet end section of the paper machine, e.g. it has not passed through the dryer section yet. Note the instant system is also in the press section, see claim 3.

Claims 7-17, 19-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/08462 as applied to claim 1 above, and further in view of LEWIS (5,093,795) with or without JUSTUS (3,185,617) or ELY (3,185,617).

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The use of plural presses is well known in the art and taught by LEWIS, 23), (24), (28) or if not taught by LEWIS the use of plural presses is taught by JUSTUS (3,185,617) or ELY (3,185,617). It would have been obvious to better control the drying process by performing the water balance taught by WO 00/08462 in each of the press sections of LEWIS or JUSTUS (3,185,617) or ELY (3,185,617). LEWIS further teaches that the headbox is part of the wet end section and contains all of the fibrous material used in the web. It would have been obvious that the conductivity of the wet web could be determined from the slurry prior to web formation rather than after web formation as it is the same material in different form. LEWIS also teaches the importance of measuring and controlling the cross-direction profile of the water content. It would have been obvious to measure the water in a cross direction to control the web uniformly across its width as taught by LEWIS.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/08462 as applied to claim 1 above, and further in view of BOSEN (3,655,980).

BOSEN teaches using nucleonic measurement to determine the water content of a web. It would have been obvious to use the nucleonic measurements of BOSEN (3,655,980) as a way to determine the water content of the web of WO 00/08462 as WO 00/08462 teaches measuring the water content of the web. Besides the use of nucleonic measurements in monitoring the weight of paper was known in the art as evidenced by WO 00/08462, page 3, lines 18-19.

(12) ***New ground of rejection.***

This Examiner's Answer does not contain any new ground of rejection.

(13) ***Response to argument.***

The argument that WO 00/08642 only measures the conductivity of the web after the press is not convincing as WO 00/08462 also teaches in calculating the material balance, using the wet web conductivity of the web coming into the press using **measured** or calculated values from the previous nip, see page 7, line 12 under the category "The material balance may be calculated" (page 7, line 6) and under the sub-heading "In:" (page 7, line 9). Clearly WO 00/86642 can measure the conductivity of the wet web coming into the press. The argument that this section of WO 00/86642 refers to the wet web conductivity measured from the previous nip is not convincing. At best the term "Wet web conductivity measured or calculated from the previous nip" (page 7, line 12) is not clear as to whether the wet web conductivity coming into the web is measured or if the wet web conductivity is measured as it leaves the previous nip. However, the term "Wet Web" would indicate that it is measuring the conductivity into the web as the term "Wet Web" is normally used for a web prior to drying, e.g. prior to passing through the nip. Even if this term is interpreted as measuring the conductivity of the web from the previous nip, this would be equivalent to measuring the conductivity of the web into the nip as the conductivity does not change from the exit of one nip to the entrance of the next nip. The conductivity would not change as the web passes directly from one nip to the next. The conductivity of the web leaving one nip would be the same as the conductivity entering the next nip. Besides the use of the various calculations into and out of the nip to determine the water balance of the press would have been routine calculations to one of ordinary skill in the art.


Applicant does not present any specific arguments as to how the limitations set forth in the dependent claims are separately patentable over the cited prior art. Applicant

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merely recites the language of each dependent claim and states the art does not teach or suggest the combination for each dependent claim. With respect to the equation of claim 6 any difference would have been obvious over the Uhle box balance on pages 9-10 of WO 00/08462. It is also noted that a plurality of presses is taught by WO 00/08462 on page 7, line 12, where it is stated that the web conductivity can be calculated from a previous press. Clearly there are plurality of presses in the press section of WO 00/08462. With respect to claim 33, BOSEN teaches using nucleonic measurement to determine the water content of a web. It would have been obvious to determine the water content of the web of WO 00/08462 using any apparatus that is known to measure water content of a web, e.g. the nucleonic measuring device of BOSEN.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

  
Steve Alvo


Primary Examiner

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msa

August 9, 2004

Conferees

Patrick Ryan Steve Griffin 